

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:11-00038

HUGHIE ELBERT STOVER

**RESPONSE OF THE UNITED STATES OF AMERICA
TO DEFENDANT'S MOTION TO CONTINUE**

Comes now the United States of America, by Blaire L. Malkin, Assistant United States Attorney for the Southern District of West Virginia and responds to the defendant's motion to continue the trial and other deadlines in this matter which is currently set for trial on April 25, 2011. The United States does not oppose the defendant's request for a continuance, however the United States does oppose the length of the continuance which the defendant has requested.

The United States acknowledges the concerns outlined in the defendant's motion to continue. The United States believes that many of his concerns about the volume of discovery can and will be mitigated as the discovery process goes forward. The United States has already outlined in its discovery response that it does not intend to use certain documents in its case in chief at trial. It is the intention of the United States going forward to provide the

defendant's counsel with guidance regarding the specific documents the United States plans to use at trial.

Therefore, the United States submits that a continuance of no greater than six weeks should be sufficient for the defendant to review discovery and prepare for trial, while also serving the interests of the public in having the matter brought to trial as quickly as possible.

Respectfully submitted,

R. BOOTH GOODWIN II
United States Attorney

s/Blaire L. Malkin
Blaire L. Malkin
WV Bar Number: 10671
Assistant United States Attorney
United States Attorney's Office
300 Virginia Street, E., Suite 4000
Charleston, West Virginia 25301
Telephone: (304) 345-2200
Fax: (304) 347-5104
Email: blaire.malkin@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that service of the foregoing "RESPONSE OF THE UNITED STATES OF AMERICA TO DEFENDANT'S MOTION TO CONTINUE," has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing on this 4th day of April, 2011, to:

William David Wilmoth, Esquire
Steptoe & Johnson PLLC
1233 Main Street, Suite 3000
Wheeling, WV 26003-0751

s/Blaire L. Malkin

Blaire L. Malkin
WV Bar Number: 10671
Assistant United States Attorney
United States Attorney's Office
300 Virginia Street, E., Suite 4000
Charleston, West Virginia 25301
Telephone: (304) 345-2200
Fax: (304) 347-5104
Email: blaire.malkin@usdoj.gov